

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 460/1997

U.P. C0-Op Cane Unions Fed. .. Appellant (s)

Vs.

West UP Sugar Mills Assn & Ors. .. Respondent(s)
(With appln(s) for intervention and exemption from filing
O.T. and with office report)

With C.A.No.461/1997(With appln(s) for
directions/clarification/modification of the interim
order passed by this Hon'ble Court on 31.1.2001 in
C.A.No.461/1997 and with office report)
C.A.No.4685/1997(With appln. for stay), C.A.No.932/2001,
C.A.No.1639-1645/1999(With office report),
C.A.No.1727/1999,C.A.No.4602/1999(With office report)
C.A.No.6065/2001(With prayer for interim relief and
office report), SLP(C) No.16851/2001(With prayer for
interim relief), SLP(C) No.1363/2002(With prayer for
interim relief)

DATE : 15.1.2003: This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE D.M.DHARMADHIKARI
HON'BLE MR. JUSTICE G.P. MATHUR

For Appellant(s)/: Mr. Rakesh Dwivedi, Sr. Adv.
Respondent(s) Mrs. Niranjana Singh, Adv.
Mr.Abhishek Chaudhary, Adv.
Mr. Prashant Kumar, Adv.

Mr. Shanti Bhushan, Sr. Adv.
Mr.Sudhir Chandra, Sr. Adv.
Mr. Jayant Bhushan, Adv.
Ms. Achintya Dvivedi, Adv.

Mr. Sudhir Kumar Gupta, Adv.

Mr. Prashant Bhushan, Adv.

Mr. K.K. Venugopal, Sr. Adv.
Mr. Rohit Alex, Adv.
Mr.P.H. Parekh,Adv.

Mr. K.K. Venugopal, Sr. Adv.
Mr. S. Guru Krishna Kumar, Adv.
Mrs. Srikala, Adv.
Mr. S.R. Setia, Adv.

Mr. Pramod Swarup, Adv.

Mr. B.B. Singh, Adv.

Mr. D.N. Goburdhan, Adv.

rr 1 in C.A.1727/99
rr 2 in C.A. 4062/99
Ptr. in C.A.932/2001

Mr. V.M. Singh (In-person)

Mr. Vinay Garg, Adv.

Ms. Rani Jethmalani, Adv.
Mrs. Gouri Das, Adv.
Ms. Anu Gupta, Adv.

Mr. Punit Dutt Tyagi, Adv.

Mr. Pradeep Misra, Adv.

C.A.no.6065/2001

Mrs. Naresh Bakshi, Adv.

Mr. R.S. Suri, Adv.

M/s Manoj Swarup, & Co.

Mr. T.V. Ratnam, Adv.

Mr. Sudhir Chandra, Sr. Adv.
Mrs. A. Anusuya, Adv.
Mr. Nikhil Nayyar, Adv.

Mr. Mahendra Anand, Sr. Adv.
Mr. Satinder S. Gulati, Adv.
Mr. Neeraj Kumar Jain, Adv.
Mr. S. Jalota, Adv.
Mr. J.P. Dhanda, Adv.

Mr. Harish N. Salve, Sr. Adv.
Mr. Y.V. Giri, Sr. Adv.
Mr. Praveen Kumar, Adv.

Mr. Sudhir Kumar Gupta, Adv.

Mr. Ramesh Uttamchandra Upadhyay, Adv.

Mr. Mukesh K. Giri, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....J
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The matters are placed before us in view of the conflict in the decisions in State of M.P. Vs. Jaora@@
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Sugar Mills Ltd. (1997) 9 SCC 207 and State of T.N. Vs.@@
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Kothari Sugars & Chemicals Ltd. (1996) 7 SCC 751. These@@
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two judgments have been rendered by Benches composed of two Judges each. One of the judgments has been approved by a decision in S.K.G. Sugar Ltd. Vs. State of Bihar@@
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and ors.-(1997) 9 SCC 362 by a Bench composed of three@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
Judges.

: 3 :

In this view of the matter it would be appropriate to refer these matters to a larger bench of five judges. We order accordingly.

A contention is sought to be raised by Mr. Harish

N. Salve, learned senior advocate that presidential assent has to be disclosed as per the judgment in Kaiser-I-Hind Pvt. Ltd. and Anr. Vs. National Textile Corpn.(Maharashtra North) and Ors..In that regard if appropriate pleadings are filed, the Respondents may respond to it.

Issue notice on the application for intervention.

Dasti notice to respondent No. 2.

Considering the nature of matters, it would be appropriate to expedite hearing. Liberty to mention for early date of hearing.

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(Meenu Sethi)
Court Master

(Om Prakash)
Court Master